IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 5309 of 2005

Between:

Smt. Md. Sakinabee, W/o. Jahangir,
R/o. Plot No. 1068, Siddiqinagar, Gachhibowli Village, Sherillingampally Mandal, Ranga Reddy District.

..... PETITIONER

AND

1. The Mandal Revenue Officer, Sherillingampally Mandal, Ranga Reddy District.
2. The Station House Officer, Madapur P.S., Cybarabad, Ranga Reddy District.
3. Smt. Nagamma, W/o. not known, r/o plot No. 1069, Siddiqinagar, Gachhibowli Village, Sherilingampally Mandal, Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly one in the nature of Writ of Mandamus to declare the inaction of the respondent wtihout taking any action to deliver the possession of the house site bearing No. 1068 of Siddiqinagar of Gachhibowli Village, Sherilingampalli Mandal as illegal, arbitrary and against the principles of natural justice and to pass such other order or orders as this Hon'ble court may deems fit and proper under the circumstances of the case.

Counsel for the Petitioner:MR.KILARU KHADAR BABA

Counsel for the Respondent Nos.1 & 2: GP FOR REVENUE

Counsel for respondent No.3: None appeared

The Court made the following :

O R D E R:

This writ petition is filed for declaring the inaction of the respondent authorities in delivering the possession of the house site bearing No.1068 of Siddiqinagar of Gachhibowli Village, Sherilingampalli Mandal as illegal, arbitrary and against the

principles of natural justice.

It is the case of the petitioner that on 23.01.1984 the then Revenue Divisional Officer of Chevella Division assigned a house site to her to an extent of 100 square yards in S.No.34 of Gachhibowli Village and delivered possession of plot No.31 on the same day. On 26.01.1984, patta was also issued to her. By erecting a hut in the said land, she has been enjoying the said land. In the year 2002, when she fell sick, she went to Hyderabad for taking treatment for a period of two months. When she returned from Hyderabad, she came to know that the 3rd respondent sold away the house site of the petitioner to one Krishna, who is not a party to the proceedings. Then she approached the 1st respondent-Mandal Revenue Officer, Ranga Reddy District, who in turn directed the petitioner to approach the 2nd respondent-Station House Officer for police protection. The 2nd respondent advised the petitioner to get instructions from the 1st respondent. In spite of an endorsement made by the 1st respondent on the xerox copy of the patta to the effect that the S.H.O. may give necessary help to the petitioner, no action was taken by the 2nd respondent till now. Hence, this writ petition is filed.

It is not in dispute that the Government assigned the said land in favour of the petitioner and granted patta to her in the year 1994 and since then she has been enjoying the said land by erecting a hut. As contended by the petitioner, if a third party occupies her land, it is open for the petitioner to approach competent Civil Court and get a decree against the third party. No relief can be granted by this Court under Article 226 of the Constitution of India, in such like matters.

In view of the above, the question of directing the Mandal Revenue Officer to take action against a third party does not arise. Hence, I do not see any reason to entertain the writ petition.

The writ petition is, therefore, dismissed. No costs.

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E.DHARMA RAO.J.,

Dt.15.06.2005

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To

1. The Mandal Revenue Officer, Sherillingampally Mandal, Ranga Reddy District.

2. The Station House Officer, Madapur P.S., Cybarabad, Ranga Reddy District.

3. 2 C.Cs to the G.O. for Revenue

4. 2 C.D.Copies.